



Town of Mashpee

Mooring Rules and Regulations

Massachusetts General Law Chapter 91, Section 10A, and Mashpee General Bylaw, §170-9.B provide that individuals who wish to moor or anchor a vessel, boat, raft or float in the territorial harbors and waters of the Town of Mashpee must first obtain a permit from the Harbormaster. Additionally, Mashpee has adopted Use of Waterways Bylaws (Chapter 170) as well as Regulations promulgated by the Board of Selectmen and Harbormaster pertaining to moorings.

Under the authority of Massachusetts General Laws, Chapter 90B, Section 15, Chapter 91 and Chapter 102, Sections 21 through 26; 310 CMR §9.07; Chapter 170 of the Bylaws of the Town of Mashpee, and any other enabling authority, the following Mooring Rules and Regulations are promulgated and effective as of February 23, 2021.

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1. Permits

These Regulations shall govern mooring permits in the Town of Mashpee. For purposes of these Regulations, a “mooring” shall mean any location or structure to which a vessel, boat, raft or float (hereafter, collectively referred to as “vessel”) is secured by mooring tackle, including anchors, chains, hawsers, bridles, or other such equipment, which is subject to the permitting requirements hereunder. The only vessel allowed on a permitted mooring shall be the one registered to that mooring. Multiple mooring permits will not be issued for the same vessel. Non-commercial moorings are limited to one mooring permit per vessel, and a maximum of three mooring permits per household, which, for the purposes of this Regulation shall mean a family or group of people who live in the same dwelling unit.

2. Mooring Renewals

The Harbormaster will NOT accept any incomplete permit applications:

1. Permit Application Form;
2. Non-Refundable Application Fee;
3. Proof of valid and current boat/ vessel insurance with declarations page showing amount of coverage and fuel spill coverage.
4. Permittee agrees to maintain in full force and effect during the term of the mooring permit and thereafter for so long as Permittee is in occupancy of the mooring location liability insurance issued by a reputable insurance company qualified to do business in the Commonwealth of Massachusetts, evidencing: (a) customary “all risk” hull insurance to insure the full declared value of the boat/vessel and related equipment from damage or theft for the full insurable amount thereof, such insurance to include wreck removal coverage, (b) public liability insurance in the amount of not less than \$500,000 per occurrence or in the aggregate, (c) fuel spill coverage, in the amount of not less than \$500,000 per occurrence or in the aggregate.
5. The Certificate(s) of Insurance evidencing the afore-mentioned coverage shall name the Town of Mashpee as an additional insured and as a certificate holder entitled to notice under all such insurance policies.
6. Current Boat Registration (Required for motorized vessels ONLY) the name on the boat registration must match; insurance and Release and Waiver of Claims. Boats/vessels without a registration, such as a sailboat or a rowboat, do require a Sail Number or a Hull ID.
7. Proof of payment of current Mashpee boat/vessel excise tax.
8. Executed Release and Waiver of Claim form. (Must be notarized and provide primary residence address).

3. Term of Annual Permits

Mooring permits are issued for a one year term on a calendar-year basis and must be renewed annually. All such permits shall expire on December 31st unless surrendered by the permit holder or revoked by the Harbormaster for good cause at an earlier date.

4. Transfers of Permit

There is no correlation between property or vessel ownership and the mooring permit. Mooring permits are not transferable when a permitted vessel or property is sold. Moorings may be transferred to immediate family members upon approval of the Harbormaster as allowed in 310 CMR §90.7 (2) (d).

5. Use, Lack of

If a permit holder fails to use their mooring for less than 14 days during a calendar year, the Harbormaster may revoke their permit.

If a permit holder discontinues use of the mooring permanently, he or she shall notify the Harbormaster within 10 days. The mooring and mooring tackle shall be removed by the owner at that time, or it shall be subject to removal at the permit holder's expense as provided in Chapter 170 of the Bylaws.

5. Renewal of an Existing Permit

Mooring permits are renewable each year and must be renewed by March 31st. If a renewal application is not received by the Harbormaster or postmarked by March 31st, it may be revoked and deemed nonrenewable. Renewal Applications received or postmarked after March 31st shall be deemed untimely, and the permits to which they relate shall be revoked and non-renewable. Mooring number(s) shall, whenever possible, be retained from year to year, but the Harbormaster may reassign numbers if renewal is not timely.

6. Annual Mooring Fees

Fees are based on boat length or float size.

- Boats or floats up to 20' or less is \$200.00.
- Boats 20'+ to 25' = \$250.00.
- Boats 25'+ to 30' = \$300.00
- Boats 30'+ and up = \$400.00.
- Commercial moorings are \$400.00 per mooring

7. Temporary Mooring Users

A non-commercial mooring permit holder may allow their mooring to be used by another party/ a different vessel for no more than 30 days or 2 different vessels during a calendar year only upon approval of the Harbormaster. A temporary mooring permit request form must be submitted by the mooring permit holder at least one week prior to the use of the mooring by another party / vessel. The Harbormaster will ensure that an appropriately-sized vessel will be on the mooring, i.e. length-draft, and then may issue a temporary mooring permit if the Harbormaster determines that said vessel will not interfere with use of the mooring field area or navigation therein.

A temporary mooring user shall be responsible for the preservation and maintenance of the mooring during their use, and upon discontinuance of said use, shall leave the mooring in the same condition as when their temporary use commenced.

Rental or unauthorized use of a non-commercial mooring is forbidden and may result in immediate revocation of a mooring permit by the Harbormaster.

8. New Vessel or Change in Vessel Size

If, at any time during the term of a mooring permit, a mooring permit holder wishes to change the vessel authorized to be on the mooring they must submit a Change of Boat Request form to the Harbormaster. Such vessel change requests shall not be approved if the Harbormaster determines, in his or her discretion, that the replacement vessel is not appropriate for the mooring location.

Denials of vessel change requests may be appealed, in writing, to the Director of Natural Resources.

9. Moving, Relocating, Removal of Moorings

Moorings shall not be moved from an approved location without prior approval of the Harbormaster.

If for any reason the approved location of a mooring is not deemed adequate for the vessel by the permit holder, it shall be the responsibility of the permit holder to move the mooring within ten (10) days, to a new location approved by the Harbormaster.

In the event that a mooring is moved from its approved location by a storm, ice, or other cause, it shall be the responsibility of the permit holder to, at the earliest possible opportunity, but in no event later than (14) days from the date of the dislocation of the mooring or the date when the dislocation is or could reasonably have been discovered, whichever is earlier, relocate the mooring to the location originally approved or to another location approved by the Harbormaster.

The Harbormaster may relocate, remove or cause to be removed or relocated any mooring or vessel whenever, in his/her judgment, the safety of other vessels or the maximum use of the mooring area requires such action.

Any expense of such inspection, removal or relocation and any liability incurred on account thereof shall be the responsibility of the permit holder/mooring owner.

10. Lost Moorings

In the event that a mooring is lost it shall be the responsibility of the permit holder/owner to, at the earliest possible opportunity, locate, mark, and properly identify the lost mooring.

If after (6) months the permit holder/owner fails to locate, mark, and properly identify a lost mooring, the approved mooring location shall be deemed abandoned and the mooring may be removed by the Harbormaster.

11. Billing

The Harbormaster will facilitate mooring bills being sent each year. Bills will be mailed or emailed after January 1st of that calendar year. Payment must be received by the Town no later than March 31st of that same year (the year of use). Mooring permit holders must notify the Harbormaster, in writing or email, of any address changes.

The mooring permit holder is responsible for making the annual payment each year. **Renewal notices are sent as a courtesy only, non-receipt of an annual mooring permit bill is not an excuse or justification for late payments.**

12. Mooring Specifications

1. Substitutions of similarly sized or type mooring anchors are not permitted without approval of the Harbormaster. Elastic mooring rods are acceptable with use of the manufacturer's specifications and approval from the Harbormaster.

The mooring tackle specifications outlined below are minimum standards and are not designed to meet severe weather conditions. If severe weather is predicted, the prudent mariner should take additional measures, including removal of the vessel from the water or relocation to a more protected harbor.

Mooring Anchor Minimum Size Requirements

<u>Boat Length</u>	<u>Weight of Mooring Anchor</u>
Up to 15 feet	100 pounds
15 to 19 feet	150 pounds
20 to 24 feet	200 pounds
25 to 29 feet	300 pounds
30 to 35 feet	400 pounds
35 to 39 feet	500 pounds
40 and longer	700 pounds

NOTE: These mooring anchor requirements are for new or replaced moorings.

Allowed Mooring Anchors: Steel (or cast iron) mushroom, pyramid, or helical screw.

Not Allowed Mooring Anchors: Cement blocks, granite blocks, radiators, engine blocks, etc.

Scope and Size of Chain

Length of chain shall be at least twice the depth at mean high water. Boats up to forty (40) feet shall use one-half (1/2) inch or larger; Boats forty-one (41) feet or larger shall use five-eighths (5/8) inch or larger.

Scope and Diameter of Pennant

Length of mooring pennants (lines) shall be at least ½ the depth of water at mean high water at location of mooring.

- Vessels less than 22 feet in length shall use 1/2 inch line
- Vessels greater than 23 but less than 28 feet shall use 5/8 inch line
- Vessels greater than 29 but less than 35 feet shall use three-quarters 3/4 inch line
- Vessels greater than 36 feet shall use one 1 inch line.

Pennant lines must be made of nylon or equivalent line having no floatability.

During mooring inspection any defective or worn mooring hardware (shackles/swivels, chain, mooring eye connector etc.) identified by the inspector shall be replaced.

13. Mooring Buoys and Markings

Mooring buoys shall be at least 12" in diameter and permit numbers shall be permanently and legibly displayed on the buoy. Mooring buoys shall be white, with a blue band not less than 2 inches in width, and black numbers not less than 3 inches high on buoy. The buoy must be clearly visible at a distance of 150 feet.

14. Mooring Stickers

Mooring stickers shall be issued each year to the mooring holder. **The stickers shall be attached to the starboard side of the authorized boats transom for visibility (right side of the flat surface forming the back/stern of a boat).** The corresponding mooring number will be printed on the sticker before issuance. Any misuse, to include duplication, selling or gifting of mooring stickers will result in revocation of mooring permits.

15. Winter Spar Buoys, Sticks

Winter spar buoys (winter sticks) shall be painted white with the permit number in black letters at least three inches in size, and shall float upright at all times at not less than 45 degrees and a minimum exposed length of 18 inches above any tide level. Winter spar buoys may be used from October 1st to May 31st. Winter spar buoys which are not removed by May 31st may be considered abandoned and the Harbormaster may remove the mooring.

16. Maintenance

Water-logged mooring buoys and frayed mooring pennants (lines) shall be replaced within 10 days of the permit holder being notified of such condition by the Harbormaster. Mooring pennants must be of nylon, or equivalent, but must not have any floatability.

Mooring tackle must remain in the water and at the assigned location at all times (summer and winter, see equipment guidelines listed in this regulation). Failure to comply with any and all harbor/mooring regulations may result in the loss of the holder's mooring permit or permits.

17. Inspections

Inspections of all moorings shall be conducted by approved Mooring Inspectors on the current Mashpee Mooring Inspector list before the mooring is placed in service in Mashpee waters.

- Moorings in brackish or salt water shall be inspected every three (3) years.
- Moorings in fresh water shall be inspected every six (6) years.

A copy of the mooring inspection report shall be forward to the Harbormaster after completion. Failure to adhere to these regulations may result in revocation of the mooring permit to which the above equipment relates.

18. Annual Verifications by Harbormaster

The Harbormaster or his/her designee may inspect and verify that the mooring numbers on the mooring balls and hull stickers (of vessel affixed to the mooring) all match as permitted and comply with these specifications.

19. Waitlists

A vessel owner wishing to apply for a mooring permit must first be added to the Town of Mashpee mooring waitlist. Town of Mashpee waters are broken down into 20 different mooring zones. Each mooring applicant can apply for a mooring located in up to three mooring zones.

The mooring waitlist instructions are located on the Harbormaster webpage.

Each application is required to be notarized, and the date and time the application is received by the Town will determine the applicant's position on the mooring waitlist.

Applicants for the Mooring Waitlists shall submit the completed Mooring Waitlist Application with a twenty dollar (\$20.00) application fee. Vessel Owners unable to process an application online may do so in person at Mashpee Town Hall, or may mail the application to the Mashpee Harbormaster by certified mail.

Applicants on the waitlists are responsible for notifying the Harbormaster, in writing, of any address, phone number and email change. Failure to notify the Harbormaster of an address change may result in lack of notification to the applicant when an opening occurs. Lack of notification due to an unknown or changed applicant address will cause the removal of the applicant from the waitlist(s).

20. Waitlist Annual Renewal

Mooring waitlist applications must be renewed each calendar year during the months of January to March. Each waitlist applicant will receive either via email or mail a renewal form that they must verify and return to the Harbormaster office by the 31st of March to continue to maintain their place on the waitlist. The cost to renew a mooring waitlist application is \$15.00 and is paid by check.

Failure to renew the mooring waitlist will result in removal of the waitlist application and will require the applicant to reapply for the waitlist.

It is the responsibility of the waitlist applicant to ensure that the Office of the Harbormaster has a current legal mailing address and/or current e-mail address for the applicant. A delayed receipt or non-receipt of a waitlist renewal form via mail or electronically due to a failure of the applicant to provide the Office of the Harbormaster with a current legal mailing address or e-mail address will not be grounds for reinstatement of their placement on the waitlist if the delay or non-receipt of the renewal form results in their removal from the waitlist. Ultimately, it is the responsibility of the applicant to renew the waitlist(s) by March 31st of each year, whether or not that individual has received a renewal notice.

The mooring waitlist renewal fee is a tool used by the Harbormaster to maintain a true and honest waitlist that only has boat owners that have a strong desire to have a mooring in Mashpee waters.

21. Placement

Moorings located within the Town of Mashpee have been marked and mapped with in the computer program “Mooring Info”. Moorings shall not be moved without the written approval of the Mashpee Harbormaster.

Any mooring may be inspected, removed, or relocated (within the same mooring field), by the Harbormaster whenever, in his judgment, the safety of other vessels or the maximum use of the area requires such action.

22. Abandonment

Abandoned moorings will become the property of the Town of Mashpee Harbormaster. Owners of moorings are required to arrange for the removal of moorings no longer wanted. Owners may be responsible for the fees associated with the removal of abandoned moorings.

23. Voluntary Surrender

Mooring permit holders who no longer wish to maintain their mooring permit may gift, in writing, their equipment to the next person on the waitlist. The person receiving the gift must perform an inspection of the gifted equipment before use, regardless of the last inspection date. The Harbormaster must receive a copy of the gifting letter prior to the transfer of ownership being made.

24. Revocations/Violations

Revocations of mooring permits or waitlist placements may be appealed in writing to the Mashpee Director of Natural Resources or his/her designee.

Violations of these Regulations will be marked in the following way:

Illegal Moorings: Illegal moorings will have a tag attached that notifies the permit holder of the violation. After five days the mooring may be impounded and the owner liable for any expenses for its removal. Moorings impounded and not claimed will become the property of the Mashpee Harbormaster as outlined in M.G.L. 91. The associated mooring permit is subject to revocation for this violation.

Unauthorized Vessels: Vessels attached to an illegal mooring, vessels that are not permitted, vessels that are not displaying a hull sticker (mooring permit number) as outlined in these Regulations shall be subject to impoundment. Any fees or costs associated with the impounding of vessels in violation of these Regulations will be the responsibility of the vessel owner. Unclaimed vessels will become the property of the Mashpee Harbormaster as provided in G.L. 102. The associated mooring permit is subject to revocation for this violation.

25. Safety Revocation

Moorings that become a hazard to property or persons may be impounded at the discretion of the Harbormaster and may be cause revocation of the mooring permit issued therefor.

26. Suspension of Mooring Use

Permitted moorings shall submit vessel information for the mooring license number on an annual basis. Suspensions of use may be requested by the permit holder/owner by written request to the Harbormaster explaining the reason for the suspension (illness, military deployment, etc.).

Suspensions of use may be granted by the Harbormaster for no more than two years. Upon expiration of the second year, the permit holder shall forfeit the mooring and remove their mooring tackle within 30 days. The mooring will be assigned to the next person on the waitlist by the Harbormaster.

27. Unauthorized Use

Allowing a vessel other than the one registered to the mooring to be placed on the permitted mooring may result in revocation of the mooring permit, unless the vessel is permitted under the temporary mooring permit provisions of these Regulations.

28. 10A Floats

10A Floats cover a broad spectrum of bottom anchored objects, this will include but not limited to swim platforms, inflatable swim platforms, swim rafts, docks without pilings, etc. issued by the Harbormaster within the Town of Mashpee they shall all have a mooring permit as outlined in this regulation. All fee schedules and renewals shall apply.

10A floats will display, in 3 inch numbers, the permit number assigned to the float. These numbers shall face away from the land, toward the marked channel when possible.

29. Dinghy Rack Regulations

Dinghy Racks

Dinghy racks are the sole location permitted for storage of dinghies on land owned by the Town of Mashpee for more than 24 hours at one time. There is a forty dollar (\$40.00) annual fee for use of a dinghy rack.

Dinghy Size

Dinghies stored on dinghy racks shall not exceed thirteen feet in length.

Securing Dinghy

Dinghies shall be secured to the dinghy rack or other secure fixed object. The method used shall ensure that the dinghy will not float or blow away during extreme weather.

Liability for Dinghy

Dinghy owners store their dinghies on dinghy racks do so at their own risk and peril. The Town of Mashpee is not responsible for any loss or damage to any dinghy stored as provided in these Regulations.

Assigned Dinghy Locations

Dinghies shall only be placed on assigned locations, by number, and permit. Mooring holders shall have sole use of dinghy racks and shall display assigned permits for dinghy storage.

Discontinuance of Use of Dinghy Racks

Any person with a permit to store a dinghy on a rack must notify the Harbormaster in writing of their intent not to use the rack for any given season. Discontinuance of use for more than 3 months or lack of notification of such discontinuance to the Harbormaster shall result in revocation of the dinghy rack permit.

Dinghy Waitlist

The dinghy waitlist shall be maintained in the same manner as the mooring waitlist. A \$10.00 waitlist fee is required each year to remain on the waitlist. The applications will be placed on the waitlist in the order they are received, with the first available permit going to the first person on the waitlist. Dinghy racks may be assigned only to mooring holders in the adjacent mooring field.

Winter Removal of Dinghies

All dinghies shall be removed from their assigned racks prior to the 15th of November each calendar year. Such removal will allow for the maintenance and repair of the dingy rack spaces. No dinghies shall be placed in their assigned spaces prior to the 1st of April.

Violations of Regulations

Any violation of these Regulations may result in revocation of a dinghy rack permit at the discretion of the Harbormaster.

30. Anchoring within Town of Mashpee Waters

No vessel may be anchored in the waters of the Town of Mashpee for more than eight days, total, per calendar year, without the consent of the Harbormaster. Anchoring shall be prohibited within all designed mooring areas. Anchorage is at the discretion of the Harbormaster.

All aforementioned forms and documents can be found under the Department of Natural Resources section of the Mashpee Town website at www.mashpee.ma.gov/harbormaster